

UNITED STATES BANKRUPTCY COURT
FOR THE
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

In re:)
)
TRACY L. KROWEL)
)
DEBTOR.)

Chapter 11
Case No. 06-42091-JBR

**EMEGENCY MOTION BY DEBTOR TO SET ASIDE FORECLOSURE
SALE MADE IN VIOLATION OF THE AUTOMATIC
STAY 11 U.S.C. SECTION 362(a)(6) AND REQUEST FOR SANCTIONS**

The Debtor, Tracy L Krowel, who resides at 425b Salisbury Street, Worcester, MA has filled for Chapter 11 Bankruptcy Protection this Friday the 6th of October 2006 at 9:50 a.m. respectfully represents the following:

1. This request arises out of the Debtor's case under Chapter 11 of the United States Code, Case No. 06-42091-JBR, now pending on docket of this court. This court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. s.s. 157,1334 and 11U.S.C. s. 362.
2. The Debtor filled a voluntary petition under Chapter 11 of the Bankruptcy Code this Friday the 6th of October 2006 at 9:50 a.m.
3. At the commencement of the Chapter 11 case the Debtor was the sole Mortgagor of the subject property containing 7,224 square feet of land improved by a three-story building located at 249 Lincoln Street, Worcester, MA.
4. As of this time there has been no Trustee or Creditors' Committee appointed to the estate.
5. At the time of the filling of the petition under Chapter 11 the creditor LBM Financial, LLC. held a First Lien said property.
6. Defendants LBM Financial, LLC, Marcello Mellegini, Michael J. Norris Individually and as Counsel for the Creditor and Paul E. Saperstein, Auctioneer.
7. The Creditor, LBM Financial, LLC, ("LBM"), without having first obtained from this court relief from the Automatic Stay afforded by 11U.S.C. s. 362, proceeded to foreclose its first lien on said property this Friday the 6th of October at 10:00 o'clock a.m. This action was taken despite the fact that an agent of the Debtor informed the creditor and their counsel as early as 9:20 a.m. telephonically of the proposed Chapter 11 proceeding, then again at 9:50 after the filing of the Petition. The agent for the Debtor further appeared in person at the auction and served the Creditor and the Auctioneer in hand with a copy of the Chapter 11 Bankruptcy Application and again put the creditor on notice of the pending Chapter 11.

8. The creditor blatantly refused to recognize the protection of the Automatic Stay and stated "I don not care about the Bankruptcy Court, We are getting this property today (expletive)".
9. The property was then purchased by the Creditor for the sum of \$400,000.00 dollars, a price grossly inadequate of its true value.
10. These actions amount to a violation of Section 362(a)(6) of the United States Bankruptcy Code in that they are an action to collect or recover a debt against the Debtor that arose before the commencement of this case.

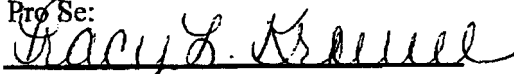
WHEREFORE, the Debtor respectfully requests that this Honorable Court:

- i. Find LBM Financial, LLC, Marcello Mellegini, Michael J. Norris Individually and as Counsel for the Creditor and Paul E, Saperstein in violation of Section 363(a)(6) of the United States Bankruptcy Code;
- ii. Set aside the transfer deed that resulted from the wrongful foreclosure sale;
- iii. Order LBM Financial, Marcello Mellegini, Michael J. Norris Individually and as Counsel for the Creditor and Paul E, Saperstein to pay sanctions to the Debtor for their wrongful actions as this Court deems appropriate; and
- iv. Any other relief this Court finds necessary.

Respectfully Submitted,

Tracy L. Krowel,

Pro Se:


Tracy L. Krowel